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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,100	11/20/2003	Angelo Bettinzoli	TJK/431	9896

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EXAMINER

SY, MARIANO ONG

ART UNIT PAPER NUMBER

3683

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,100

Applicant(s)

BETTINZOLI, ANGELO

Examiner

Mariano Sy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The amendment filed on August 18, 2005 has been received.
2. Applicant has added new claims 27-40 and designated Claims 1-26 as (Withdrawn) claims. Applicant has to designate claims 1-26 as canceled claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 27-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites the limitation "said coaxial spring having a second end comprising a fastening element being slidable coaxially with said sleeve" in lines 3-5. It is vague and unclear since the "fastening element" is a "hook 21", how can the fastening element be slidable coaxially with said sleeve 10.

Claim 30 recites the limitation "the thread of the bolt" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "the pitch" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "the outer spring" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "said means for fastening" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the outer free end" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27-33 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanley et al. (US 5,025,776) in view of Pletsch (US 991,539).

Re-claims 27, 28, 33, and 35-40 Hanley et al. disclosed, as shown in fig. 1-7, a hinge for doors having an axis of rotation varying its position during an opening and closing rotation of the doors, wherein the hinge comprising a balancing device comprising a sleeve provided with means for retaining a first end of a first spring, said first spring having a second end comprising a fastening element.

However Hanley et al. failed to disclose a spindle having two ends, one end inside said first spring a first means for retaining one end of a second spring which is positioned coaxially with the first spring.

Pletsch teaches, as shown in fig. 1-2, a balancing device comprising a sleeve C provided with means for retaining a first end of a first coaxial spring A, another end has a fastening element B', a spindle D, one end inside said first spring, a first means F for retaining one end of a second spring E which is coaxial with the first spring and the other end is housed inside a corresponding seat of said sleeve C, said first spring having a load greater than said second spring (see col. 1, lines 24-25); said first and second springs acting in series; wherein said means for retaining the end of said first spring comprises a seat in a head of the sleeve C; wherein said spindle has one end, inside the first spring, having a head F provided with a seat for housing one end of the second spring; wherein another end of the second spring is housed inside a corresponding seat in a surface (facing the second spring) of the sleeve C; wherein an outer free end of said spindle has a hole D'; wherein said first spring is an extension spring; wherein said second spring is an extension spring; wherein the spindle has a section adjacent to the head with a widened cross-section D'.

It would have been obvious to one of ordinary skill in the art to have connect the hinge with a movable axis for doors of electric household appliances of Hanley et al. with a balancing device, as taught by Pletsch, in order to regulate the degree of opening and closing of the door.

Re-claims 29-31, see figure 1-2, said sleeve C which is coaxially hollow, wherein said means for retaining the first end of said first spring comprises a thread that has pitch corresponding to pitch of the first spring.

Re-claim 32 Hanley et al. teaches, as shown on fig. 4, means for fastening a second end of a spring is a hook.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanley et al. in view of Pletsch as applied to claim 14 above, and further in view of Gronbach (GB 1 422 808).

Re-claim 34 Hanley et al. as modified failed to disclose wherein said spindle has transverse projections.

Gronbach teaches, as shown in fig. 1, a spindle 5 has transverse projections 7.

It would have been obvious to one of ordinary skill in the art to modify the spindle of Hanley et al. as modified by adding transverse projections, as taught by Gronbach, in order to act as a stop for the sleeve of the spring.

Arguments

8. Applicant argued in the Remarks that the springs of the prior art references teach hinge with springs work in parallel and are not suitable for a door with an axis of rotation varying its position during rotation. Examiner disagreed.

Hanley et al. '776 disclose a hinge for doors having an axis of rotation varying its position during an opening and closing rotation of the doors, wherein the hinge comprising a balancing device comprising a sleeve provided with means for retaining a first end of a first spring, said first spring having a second end comprising a fastening element. Hanley et al. failed to disclose a spindle having two ends, one end inside said

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first spring a first means for retaining one end of a second spring which is positioned coaxially with the first spring.

Pletsch teaches, as shown in fig. 1-2, a balancing device comprising a sleeve C provided with means for retaining a first end of a first coaxial spring A, another end has a fastening element B', a spindle D, one end inside said first spring, a first means F for retaining one end of a second spring E which is coaxial with the first spring and the other end is housed inside a corresponding seat of said sleeve C, said first spring having a load greater than said second spring (see col. 1, lines 24-25); first and second springs acting in series.

It would have been obvious to one of ordinary skill in the art to have connect the hinge with a movable axis for doors of electric household appliances of Hanley et al. with a balancing device, as taught by Pletsch, in order to regulate the degree of opening and closing of the door.

9. Applicant's arguments with respect to claims 27-40 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

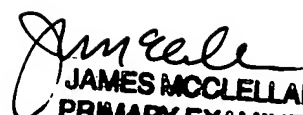
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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 M. Sy

October 20, 2005


JAMES MCCLELLAN
PRIMARY EXAMINER
10/31/05